

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANE MYERS,)	
	Plaintiff,)
) No. 1:22-cv-748
-v-)	
) Honorable Paul L. Maloney
CHRISTOPHER WREN, <i>et al.</i>)	
	Defendants.)
)

ORDER STRIKING UNTIMELY AMENDED COMPLAINT

Plaintiff commenced this action on August 16, 2022, alleging numerous violations of his civil rights arising out of an altercation that occurred at a Newaygo County park (ECF No. 1). Defendants timely answered the complaint on September 12, 2022, and they timely filed their amended answer on the same day (ECF Nos. 8, 10). Forty-six days later, on October 28, 2022, Plaintiff filed an amended complaint (ECF No. 31).¹ Because the amended complaint is untimely, the Court will *sua sponte* strike the amended complaint from the record.

Under Fed. R. Civ. P. 15(a)(1), a party may amend his pleading as a matter of course within 21 days after serving it, or within 21 days after the opposing party serves its responsive pleading. Because Plaintiff filed his amended complaint more than 21 days after Defendants served their amended answer, Plaintiff's amended complaint is untimely. *See Fed. R. Civ. P. 15(a)(1)(B).* As an exercise of its inherent authority to manage its docket, the Court will therefore strike Plaintiff's untimely amended complaint from the record. *See Dietz v.*

¹ Plaintiff, proceeding in *pro per*, was granted leave to file and receive service electronically (ECF No. 18).

Bouldin, 579 U.S. 40, 47 (2016) (“[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.”) (collecting cases).

However, the Court notes that the Case Management Order (“CMO”) gave the parties until October 28, 2022, to file motions to amend the pleadings (*see* ECF No. 25). Because Plaintiff is proceeding *pro se*, and he filed his amended complaint within the time provided to him by the CMO to move to file an amended complaint, the Court will grant Plaintiff an additional seven days to file the appropriate motion for leave to file an amended complaint. *See Wells v. Brown*, 801 F.2d 591, 594 (6th Cir. 1989) (explaining that, although *pro se* complaints are held to “a less stringent standard than formal pleadings drafted by lawyers,” *pro se* litigants are not exempt from the requirements of the Federal Rules of Civil Procedure). If Plaintiff files a motion for leave to file an amended complaint, he must also attach the proposed amended complaint as an exhibit to the motion. *See* W.D. Mich. LCivR 5.7(f). Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s untimely filed amended complaint (ECF No. 31) is **STRICKEN** from the record.

IT IS FURTHER ORDERED that within seven days of the date of this order, Plaintiff may move to amend his complaint and attach the proposed amended complaint. If Plaintiff files such a motion, Defendants may answer the motion within the time provided by the court rules. **IT IS SO ORDERED.**

Date: October 31, 2022

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge